

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

IDA RIVOTA,

Plaintiff,

v.

MEDICAL DEVICE BUSINESS
SERVICES, INC. FORMERLY KNOWN
AS DEPUY ORTHOPAEDICS, INC.,

Defendant.

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Cause No. 3:21-CV-00177

**MEDICAL DEVICE BUSINESS SERVICES, INC., F/K/A
DEPUY ORTHOPAEDICS, INC.'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 (and any other applicable laws), defendant, Medical Device Business Services, Inc., (“MDBS”) f/k/a DePuy Orthopaedics, Inc., hereby removes this action, captioned *Ida Rivota v. Medical Device Business Services, Inc., Formally Known As DePuy Orthopaedics, Inc.*, Docket 2021-DCV1011, from the El Paso County – County Court at Law 6, State of Texas, to this Court. Pursuant to 28 U.S.C. § 1446(a), Defendant provides the following statement of grounds for removal.

Preliminary Statement

1. In the present product liability action, Plaintiff Ida Rivota (“Plaintiff” or “Rivota”) seeks damages due to injuries she alleges were caused by a knee component, which Defendant allegedly manufactured. Defendant vigorously denies it committed any wrongdoing or that Plaintiff is entitled to the relief that she seeks or any relief whatsoever.

2. Of more immediate concern for this Court, the face of Plaintiff’s Complaint establishes original federal subject matter jurisdiction over this action based on 28 U.S.C. § 1332(a) because: (a) there is complete diversity of citizenship between Plaintiff and Defendant;

and (b) the amount in controversy exceeds \$75,000, exclusive of interest and costs. Defendant therefore exercises its right to a federal forum and removes this action to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Background and Procedural History

3. Plaintiff commenced this action in the El Paso County – County Court at Law 6, State of Texas, on or about March 26, 2021 by filing a Complaint captioned *Ida Rivota v. Medical Device Business Services, Inc., Formally Known As DePuy Orthopaedics, Inc.*, Cause No. 2021-DCV1011 (the “State Court Action”). Pursuant to 28 U.S.C. § 1446(a), true and correct copies of the Citation and Complaint, as well as other process, pleadings, motions, and orders in the State Court Action that were served upon the Defendant are attached collectively as Exhibit 1.

4. Plaintiff seeks damages arising from unspecified knee components allegedly manufactured by Defendant and utilized in Plaintiff’s left knee during a total knee replacement surgery on April 8, 2019. *See* Complaint ¶¶ 7–9. Specifically, Plaintiff alleges that the knee components resulted in a removal of an infected left total knee arthroplasty on October 10, 2019. *Id.* at ¶ 9. Plaintiff further alleges that her injuries were caused by the alleged negligent design, manufacturing, and marketing of the knee components and were a proximate cause of the failed knee replacement and revision. *Id.* at ¶¶ 10–11. Defendant denies that Plaintiff is entitled to the relief sought in her Complaint, or to any relief whatsoever.

Basis for Removal – Diversity Jurisdiction

I. The Requirement for Complete Diversity of Citizenship is Satisfied Because Each Defendant is Diverse from Plaintiff.

5. Plaintiff is, and was at the time the State Court Action was filed, a citizen of the State of Texas. (Complaint ¶ 1).

6. MDBS is, and was at the time the State Court Action was filed, a corporation incorporated under the laws of the State of Indiana, with its principal place of business in the State of Indiana. Accordingly, MDBS is deemed to be a citizen of Indiana for purposes of federal diversity jurisdiction.

7. Because Plaintiff is a citizen of Texas and Defendant is a citizen of Indiana, the complete diversity requirement of 28 U.S.C. § 1332(a)(1) is satisfied. *Guillory v. Haza Foods Louisiana, LLC*, No. 18-00469, 2018 WL 3300311, at *2 (W.D. La. June 13, 2018) (“Complete diversity ‘requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.’”) (quoting *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1079 (5th Cir. 2008)).

II. The Jurisdictional Amount-in-Controversy Requirement is Satisfied.

12. The Complaint alleges that Plaintiff required a removal of an infected left total knee arthroplasty (Complaint ¶ 9) and seeks damages for claims including but not limited to “pain, mental anguish, and physical impairment, in the past and in reasonable probability into the future.” *Id.* at ¶ 12. According to the plain language of the Complaint, Plaintiff seeks “monetary relief over \$200,000 but not more than \$1,000,000.” *Id.* at ¶ 4. Because Plaintiff seeks damages in excess of \$75,000, exclusive of interest and costs, the jurisdictional amount-in-controversy requirement is satisfied. 28 U.S.C. § 1332(a).

13. In sum, this Court has original subject matter jurisdiction over this action based on 28 U.S.C. § 1332(a) because: (a) there is complete diversity of citizenship between Plaintiff and Defendant; and (b) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

Procedural Requirements

14. The El Paso County Court at Law 6, State of Texas, is located within the United States District Court for the Western District of Texas. Therefore, removal to this Court satisfies the venue requirements of 28 U.S.C. § 1446(b)(1).

15. This Notice of Removal is timely, in accordance with 28 U.S.C. § 1446(b)(1). MDBS received a copy of the Complaint on July 6, 2021. The Notice of Removal is being filed within 30 days of this date.

17. The written notice required by 28 U.S.C. § 1446(d) will be promptly filed in the El Paso County Court at Law 6, State of Texas and promptly served on Plaintiff.

18. Defendant does not waive any legal defenses, including but not limited to the defense of lack of personal jurisdiction, and expressly reserves its right to raise any and all legal defenses in subsequent proceedings.

19. If any question arises as to the propriety of this removal, Defendant requests the opportunity to present written and oral argument in support of removal.

Conclusion

For the foregoing reasons, Defendant removes this lawsuit to the Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 (and any other applicable laws).

<Signature page follows.>

Respectfully submitted,



J. Scott Mann
MANN MORROW, PLLC
671 S. Mesa Hills Dr., Suite A1
El Paso, Texas 79912
915-226-0400
scott.mann@mannmorrow.com

*Attorney for Medical Device Business
Services, Inc., f/k/a DePuy Orthopaedics,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify on August 4th, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail and/or served by electronic mail to counsel for plaintiff.



J. SCOTT MANN

Superior Court of the State of California - San Joaquin County

Case No. 2021DCV1011

REGISTER OF ACTIONS

CASE No. 2021DCV1011

IDA RIVOTA V. MEDICAL DEVICE BUSINESS SERVICES, INC. FORMALLY
KNOWN AS DEPUY ORTHOPAEDICS, INC.

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Case Type: **Injury or Damage - Medical
Malpractice**
Date Filed: **03/26/2021**
Location: **County Court at Law 6**

PARTY INFORMATION

Defendant	Medical Device Business Services Inc. FORMALLY KNOWN AS DEPUY ORTHOPAEDICS, INC.	Lead Attorneys
Plaintiff	Rivota, Ida	ALFONSO L. MELENDEZ <i>Retained</i> 915-593-2357(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS			
03/26/2021	Original Petition (OCA)	Index # 1	
03/26/2021	<u>E-File Event Original Filing</u>		
03/26/2021	<u>Case Information Sheet</u>	Index # 2	
03/29/2021	<u>Request</u>	Index # 3	
03/30/2021	Citation		
	Medical Device Business Services Inc.	Served	07/07/2021
		Returned	07/13/2021
06/17/2021	<u>Notice of Intent to Dismiss for Want of Prosecution</u>	Index # 4	
06/22/2021	<u>Notice of Dismissal Hearing</u>	Index # 5	
06/22/2021	<u>Notice of Dismissal Hearing</u>	Index # 6	
08/24/2021	Status/DWOP (9:00 AM) (Judicial Officer Kurita, M. Sue)		



**Service of Process
Transmittal**

07/06/2021

CT Log Number 539858483

TO: Ra-Jjcus Ldsop
Johnson & Johnson
1 Johnson and Johnson Plz
New Brunswick, NJ 08933-0002

RE: Process Served in Texas

FOR: Medical Device Business Services, Inc. (Domestic State: IN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Ida Rivota, Pltff. vs. Medical Device Business Services, Inc., etc., Dft.
DOCUMENT(S) SERVED: Citation, Return, Original Petition
COURT/AGENCY: County Court at Law Number 6 - El Paso County, TX
Case # 2021DCV1011
NATURE OF ACTION: Product Liability Litigation - Personal Injury - Total Knee Replacement
ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE: By Certified Mail on 07/06/2021 postmarked on 06/30/2021
JURISDICTION SERVED : Texas
APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next following the expiration of 20 days after service
ATTORNEY(S) / SENDER(S): Alfonso L. Melendez
11335 Pellicano Dr.
El Paso, TX 79936
915-593-2357
ACTION ITEMS: CT has retained the current log, Retain Date: 07/07/2021, Expected Purge Date:
07/12/2021
Image SOP
Email Notification, Ra-Jjcus Ldsop RA-JJCUS-LDSOP@its.jnj.com
Email Notification, Janet Lucas JLucas14@its.jnj.com
REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
855-844-0739
ServiceSolutionsTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.





**Service of Process
Transmittal**

07/06/2021

CT Log Number 539858483

TO: Ra-Jjcus Ldsop
Johnson & Johnson
1 Johnson and Johnson Plz
New Brunswick, NJ 08933-0002

RE: Process Served in Texas

FOR: Medical Device Business Services, Inc. (Domestic State: IN)

DOCKET HISTORY:

DOCUMENT(S) SERVED:	DATE AND HOUR OF SERVICE:	TO:	CT LOG NUMBER:
Notice(s)	By Regular Mail on 06/28/2021 postmarked on 06/23/2021	Megan Sousa Johnson & Johnson	539819263

Legal-Net Process Service
1444 Montana Ave. Ste. 210
El Paso, Texas 79902

CERTIFIED MAIL



EL PASO, TX 75201

30 JUN 2021



U.S. POSTAGE PAID
FCM LETTER
EL PASO, TX
79936
JUN 30, 21
AMOUNT

\$7.20

R2304E106956-7

7020 1810 0001 9434 9557

1000

75201

RETURN RECEIPT
REQUESTED

CT Corporation System
1999 Bryan Street Ste. 900
Dallas, TX 75201

75201-426499



THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

TO: **Medical Device Business Services Inc. formally known as DEPUY ORTHOPAEDICS, INC.**, who may be served with process by serving its registered agent **CT Corporation System** at **1999 Bryan Street Suite 900 Dallas TX 75201**

Greetings:

You are hereby commanded to appear by filing a written answer to the **Plaintiff's Original Petition and Request of Disclosure** at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable **County Court at Law Number 6**, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on 03/26/2021, by Attorney at Law ALFONSO L. MELENDEZ 11335 PELLICANO DRIVE EL PASO TX 79936 in this case numbered **2021DCV1011** on the docket of said court, and styled: **IDA RIVOTA V. MEDICAL DEVICE BUSINESS SERVICES, INC. FORMALLY KNOWN AS DEPUY ORTHOPAEDICS, INC.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the **Plaintiff's Original Petition and Request of Disclosure** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, this on this the 30th day of March, 2021

Attest: NORMA FAVELA BARCELEAU, District Clerk, El Paso County, Texas.

CLERK OF THE COURT
NORMA FAVELA BARCELEAU
District Clerk
El Paso County Courthouse
500 E. San Antonio Ave, RM 103
El Paso Texas, 79901



ATTACH
RETURN RECEIPTS
WITH

ADDRESSEE'S SIGNATURE

Rule 106 (a) (2) the citation shall be served by mailing to the defendant by Certified Mail Return receipt requested, a true copy of the citation. Sec. 17.027 Rules of Civil Practice and Remedies Code if not prepared by Clerk of Court.

Legal-Net Process Service

*NAME OF PREPARED BY **1444 Montana Ave. Ste. 210** TITLE
El Paso, Texas 79902
ADDRESS
CITY STATE ZIP

By *Corina Ramirez*, Deputy
Corina Ramirez

CERTIFICATE OF DELIVERY BY MAIL

I hereby certify that on the 30 day of
June, 2021, at 10 am I mailed to
Medical Device Business Services, Inc. fka DEPUY ORTHOPAEDICS, INC. by serving its registered agent CT CORPORATION SYSTEM

defendant(s) by registered mail or certified mail with delivery restricted to addressee only, return receipt requested, a true copy of this citation with a copy of the **Plaintiff's Original Petition and Request for Disclosure** attached thereto.

R Cervantes

Agent

TITLE

RETURN OF SERVICE

Delivery was completed on _____, delivered to _____
_____ as evidence by Domestic Return Receipt PS Form 3811
attached hereto.

The described documents were not delivered to the named recipient. The certified mail envelope was returned
undelivered marked _____.

This forwarding address was provided: _____

El Paso County, Texas

By: _____

Deputy District Clerk

OR

Name of Authorized Person

By: _____

VERIFICATION BY AUTHORIZED PERSON

State of Texas

County of El Paso

Before me, a notary public, on this day personally appeared _____, known to me to be the person
whose name is subscribed to the foregoing Return of Service, and being by me first duly sworn, declared, "I am
disinterested party qualified to make an oath of that fact and statements contained in the Return of Service and true and
correct."

Subscribed and sworn to be on this _____ day
of _____.

Notary Public, State of _____

My commission expires: _____

IDA RIVOTA
Plaintiff,

V.

MEDICAL DEVICE BUSINESS
SERVICES, INC. FORMALLY KNOWN
AS DEPUY ORTHOPAEDICS, INC
Defendant.

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NO. _____

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME IDA RIVOTA, Plaintiff, complaining of and about Medical Device Business Services, Inc., formally known as Depuy Orthopaedics, Inc., hereinafter called Defendant, and for cause of action would show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

Plaintiff intends that discovery be conducted under Discovery Level 3.

PARTIES AND SERVICE

1. Plaintiff resides at 7008 Spruce Wood Ct, El Paso, Texas 79934.
2. Defendant Medical Device Business Services, Inc., formally known as Depuy Orthopaedics, Inc., a corporation based in Texas, may be served with process by serving the registered agent CT Corporation System, at 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136, its registered office. In the alternative, service of process may be effected by serving its registered agent wherever he or she may be found. Service of said Defendant as described above can be effected by personal delivery or certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.
4. Plaintiff seeks monetary relief over \$200,000 but not more than \$1,000,000.
5. This court has jurisdiction over the parties because Defendant is a Texas resident.
6. Venue in El Paso County is proper in this cause.

FACTS

7. On April 8, 2019, Plaintiff underwent a left knee total replacement surgery.
8. Defendant designed, manufactured and marketed the knee components for the total knee replacement.
9. On October 10, 2019, Plaintiff was admitted for removal of an infected left total knee arthroplasty.

LIABILITY OF DEFENDANT

10. Plaintiff further alleges that Defendant negligently designed, manufactured and marketed the knee components which were a proximate cause of the failed knee replacement and revision.

PROXIMATE CAUSE

11. Each and every, all and singular of the foregoing acts and omissions, on the part of Defendants, taken separately and/or collectively, constitute a direct and proximate cause of the injuries and damages set forth below.

DAMAGES FOR PLAINTIFF

12. As a direct and proximate Defendant's negligent acts, Plaintiff suffered pain, mental anguish and physical impairment, in the past and in reasonable probability into the future.

PLAINTIFF'S RESERVATION OF RIGHT TO AMEND THEIR PLEADING

13. Plaintiff reserves the right to supplement and amend their petition.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

/s/ Alfonso L. Melendez
Alfonso L. Melendez
Texas Bar No. 13918500
11335 Pellicano Dr.
EL PASO, TX 79936
Tel. (915) 593-2357
Fax. (915) 592-5074
Attorney for Plaintiff

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Alfonso L. Melendez

A Professional Corporation
Attorney and Counselor at Law

March 29, 2021

El Paso County Clerk
500 E. San Antonio Ave #105
El Paso, Texas 79901

Re: Ida Rivota v. Medical Device Business Services, Inc., formally known as Depuy
Orthopaedics Inc, Cause No. 2021DCV1011

Please issue citations for service of process on the Plaintiff's Original Petition filed on March 26,
2021 as follows:

Please issue citations by certified mail return receipt to the following:

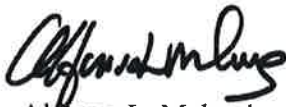
- Defendant Medical Device Business Services, Inc., formally known as Depuy Orthopaedics, Inc.,
may be served with process by serving the registered agent CT Corporation System, at 1999 Bryan
St., Suite 900, Dallas, Texas 75201-3136

Please email citations to:

alfonso@almfirm.com; rayleen@almfirm.com; stephanie@almfirm.com; legalnetprocess@gmail.com.

Thank you.

Sincerely,



Alfonso L. Melendez



**Service of Process
Transmittal**

06/28/2021

CT Log Number 539819263

TO: Megan Sousa
Johnson & Johnson
1 JOHNSON AND JOHNSON PLZ
NEW BRUNSWICK, NJ 08933-0002

RE: Process Served in Texas

FOR: Medical Device Business Services, Inc. (Domestic State: IN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Ida Rivota, Pltff. vs. Medical Device Business Services, Inc., etc., Dft.

DOCUMENT(S) SERVED: Notice(s)

COURT/AGENCY: El Paso County Court, TX
Case # 2021DCV1011

NATURE OF ACTION: Notice of hearing for dismissal for want of prosecution

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Regular Mail on 06/28/2021 postmarked on 06/23/2021

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: 08/24/2021 at 09:00 a.m.

ATTORNEY(S) / SENDER(S): Norma Favela Barceleau
District Clerk El Paso County
500 E. San Antonio St.
Suite 103
El Paso, TX 79901-2457
915-546-2021

ACTION ITEMS: CT has retained the current log, Retain Date: 06/30/2021, Expected Purge Date: 07/05/2021

Image SOP

Email Notification, Ra-Jjcus Ldsop RA-JJCUS-LDSOP@its.jnj.com

Email Notification, Janet Lucas JLucas14@its.jnj.com

Email Notification, Amy McLaren cls-ctsopsupport@wolterskluwer.com

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
855-844-0739
ServiceSolutionsTeam@wolterskluwer.com



**Service of Process
Transmittal**

06/28/2021

CT Log Number 539819263

TO: Megan Sousa
Johnson & Johnson
1 JOHNSON AND JOHNSON PLZ
NEW BRUNSWICK, NJ 08933-0002

RE: Process Served in Texas

FOR: Medical Device Business Services, Inc. (Domestic State: IN)

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NORMA FAVELA BARCELEAU
DISTRICT CLERK

COUNTY COURTHOUSE, RM. 103
500 E. SAN ANTONIO
EL PASO, TEXAS 79901-2457

**RETURN SERVICE
REQUESTED**

First Class Mail
ComBasPrice



U.S. POSTAGE >> PITNEY BOWES

ZIP 79901 \$ 000.46⁰
02 4W
0000356061 JUN 23, 2021

MEDICAL DEVICE BUSINESS SERVICES INC.
CT CORPORATION SYSTEM
1999 BRYAN ST
STE. 900
DALLAS, TX 75201

15 DRA6H1P 75201





NORMA FAVELA BARCELEAU
District Clerk
El Paso County
500 E. San Antonio St., Suite 103
El Paso, TX 79901-2457
(915) 546-2021

June 22, 2021

MEDICAL DEVICE BUSINESS SERVICES INC.
CT CORPORATION SYSTEM
1999 BRYAN ST
STE. 900
DALLAS, TX 75201

Re: 2021DCV1011

IDA RIVOTA
V.
MEDICAL DEVICE BUSINESS
SERVICES, INC. FORMALLY KNOWN
AS DEPUY ORTHOPAEDICS, INC.

NOTICE OF HEARING FOR DISMISSAL FOR WANT OF PROSECUTION

You are hereby notified, a dismissal for want of prosecution hearing has been set in the above-styled and numbered cause 2021DCV1011, at **9:00AM** on **08/24/2021**, in the **County Court at Law Number 6**. Please see the attached order for further instructions.

A handwritten signature in cursive script, appearing to read "Norma Favela Barceleau".

Norma Favela Barceleau

Ida Rivota

v.

Cause No. 2021DCV1011

Medical Device Business Services Inc.

NOTICE OF MANDATORY STATUS CONFERENCE/INTENT TO DISMISS FOR WANT OF PROSECUTION

Under Rule 165A of the Texas Rules of Civil procedures, you are hereby notified of the intention of the Court to DISMISS the above styled and numbered cause for WANT OF PROSECUTION for the following reasons:

1. Failure to appear; and /or
2. Failure to try the case or failure to prosecute the case with due diligence within the Texas Supreme Court's guidelines, Texas Rules of Judicial Administration; and/or
3. On the Court's inherent power; and/or
4. On the Court's inherent power for violating the trial court's local rule(s); and/or
5. On the Court's inherent power for violating the El Paso County Local Rules, as amended.

A MANDATORY STATUS CONFERENCE/DISMISS FOR WANT OF PROSECUTION is set **8/24/2021 at 9:00 AM (MST)** in the **County Court at Law Six** remotely via Zoom in compliance with the Supreme Court of Texas Emergency Orders regarding Covid-19 State of Disaster. **To join the Zoom hearing by video:**

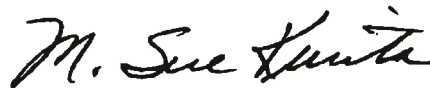
- Go to <https://txcourts.zoom.us/j/7574076737>
- Join the meeting by typing in the Meeting ID7574076737

If you FAIL TO APPEAR on the above date, the case will be automatically dismissed by the Court.

If you are no longer the attorney in this case and/or the parties are Pro Se, please provide their last known address to, Dolores Gutierrez, Court Coordinator by e-mail at DGutierrez@epcounty.com.

If any of the parties have filed bankruptcy (see Local Rule 3.10), you must be prepared to inform the Court of the current status of the bankruptcy and provide the Court with the supporting documentation showing the current status of such bankruptcy.

SIGNED on this the 17th day of June, 2021.



M. SUE KURITA, JUDGE

COUNTY COURT AT LAW NUMBER SIX

Join Zoom Meeting

<https://txcourts.zoom.us/j/7574076737>

County Court at Law Number Six is inviting you to a scheduled Zoom meeting.

Topic: Status/DWOP

Join Zoom Meeting

<https://txcourts.zoom.us/j/7574076737>

Meeting ID: 7574076737

One tap mobile

+13462487799,,95315420400# US (Houston)

+12532158782,,95315420400# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: **7574076737**

Find your local number: <https://txcourts.zoom.us/u/adNh54ZaWH>

Join by Skype for Business

<https://txcourts.zoom.us/j/7574076737>



NORMA FAVELA BARCELEAU
District Clerk
El Paso County
500 E. San Antonio St., Suite 103
El Paso, TX 79901-2457
(915) 546-2021

FILED
NORMA FAVELA BARCELEAU
DISTRICT CLERK
2021 JUN 22 PM 3:24
EL PASO COUNTY, TEXAS
BY *[Signature]*
DEPUTY

June 22, 2021

MEDICAL DEVICE BUSINESS SERVICES INC.
CT CORPORATION SYSTEM
1999 BRYAN ST
STE. 900
DALLAS, TX 75201

Re: 2021DCV1011

IDA RIVOTA
V.
MEDICAL DEVICE BUSINESS
SERVICES, INC. FORMALLY KNOWN
AS DEPUY ORTHOPAEDICS, INC.

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A handwritten signature in cursive script, appearing to read "Norma Favela Barceleau".

Norma Favela Barceleau

CIVIL CASE INFORMATION SHEET

Norma Favela Barceau

District Clerk

El Paso County

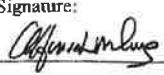
2021DCV1011

CAUSE NUMBER (FOR CLERK USE ONLY): COURT (FOR CLERK USE ONLY):

STYLED Ida Rivota v. Medical Device Business Services, Inc., Formally known as Depuy Orthopaedics, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet: Name: _____ Email: _____ Alfonso L. Melendez alfonso@almfirm.com Address: _____ Telephone: _____ 11335 Pellicano 915-593-2357 City/State/Zip: _____ Fax: _____ El Paso, TX 79936 915-592-6074 Signature: _____ State Bar No: _____  13918500		Names of parties in case: Plaintiff(s)/Petitioner(s): Ida Rivota Defendant(s)/Respondent(s): Medical Device Business Services, Inc., Formally known as Depuy Orthopaedics, Inc. [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	Injury or Damage <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input checked="" type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	Real Property <input type="checkbox"/> Eminent Domain/ Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus— Pre-indictment <input type="checkbox"/> Other: _____	Marriage Relationship <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	Post-judgment Actions (non-Title IV-D) <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocity (UIFSA) <input type="checkbox"/> Support Order Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
Employment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		Other Civil <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
Tax <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		Probate & Mental Health Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input checked="" type="checkbox"/> Over \$1,000,000					